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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,229	02/11/2004	Greg Haber	BAB-2	9876

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/775,229

**Applicant(s)**

HABER, GREG

**Examiner**

Christopher Boswell

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the cover" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,820,174 to Parikh et al.

Parikh et al. disclose a lock (20) for a vehicle having a door and a fixed part (column 2, lines 50-57) proximate the door, the lock comprising a housing (24) with a front and a rear, attached to the vehicle door, a latch means comprising a hook (100), the latch means being mounted in the housing, for rotational movement about an axis, between a first position, wherein

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the hook engages the part to secure the door in the closed position and a second position wherein the hook is remote from the part such that the door can be opened, a latch rotation preventing member (60) moveable relative to the housing, in a direction substantially parallel to the axis, between a forward position, remote from the path of movement of the latch means and a rear position, intersecting the path of the latch means, to retain the latch means in the first position, and means for biasing (130) the member toward the rear position, as in claim 1.

Parikh et al. also disclose means for locking (70) the member in the rear position, as in claim 2, wherein the locking means comprises a key actuated lock cylinder (70) mounted for movement between a locked position and an unlocked position, as in claim 3.

Parikh et al. further disclose the locking means having a linkage part (72) connected for movement with the lock cylinder and having a cam surface (the distal end of the linkage part), as in claim 4, and a cam (64) on the member, in engagement with the cam surface, as in claim 5, the cam surface comprises the rim (column 3, lines 40-45) of the linkage part, as in claim 6, and the linkage part comprises an axis (figure 4) and wherein the rim of the linkage part lies in a plane that is inclined relative to the linkage part axis (figure 3), as in claim 7, as well as the linkage part comprises a recess (hole in 77) into which the lock cylinder is at least partially received, as in claim 8.

Parikh et al. additionally disclose a handle (40) accessible from the exterior of the housing and connected to rotate the latch means, as in claim 9, as well as spring means (130) connected between the latch means and the housing, as in claim 10.

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Parikh et al. also disclose a lock (20) for a vehicle having a door and a fixed part proximate the door (column 2, lines 50-57), the lock comprising a housing (24) attached to the vehicle door and having a front and a rear, a latch means comprising a section (112), mounted within the housing and rotatable about an axis extending between the front and rear of the housing, and a hook (106), a handle (40) accessible from the front of the housing and connected to rotate the section along a path between a first position, wherein the hook engages the part to secure the vehicle door in the closed position and a second position, wherein the hook is remote from the part such that the door can be opened, a key actuated lock cylinder (70) mounted in the housing for movement between a locked position and an unlocked position, a member (60), operatively connected to the cylinder, moveable relative to the housing in a direction substantially parallel to the axis about which the section rotates, between a forward position, remote from the path, and a rear position intersecting the path, as the cylinder moves between the unlocked position and the locked position, means for biasing (130) the member toward the rear position, as in claim 11.

Parikh et al. further disclose means (72) operatively connecting the cylinder and the member, as in claim 12, wherein the connecting means comprises a linkage part (72) connected for movement with the lock cylinder, a cam surface (the distal end of the linkage part) on the linkage part and a cam (64) associated with the member, in operative engagement with the cam surface, as in claim 13, where the linkage part is rotatable about an axis (figure 4) and wherein the cam surface is situated in a plane that is inclined relative to the linkage part axis (figure 3), as in claim 14, as well as the linkage part has a recess (hole in 77) into which the lock cylinder is at

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least partially received, as in claim 15, and the axis of the linkage part is substantially parallel to the axis about which the section rotates (figure 2), as in claim 16.

Parikh et al. additionally disclose the cam is a protrusion extending from the member (figure 3), as in claim 17, where the member has an axis (figure 3) and wherein the protrusion extends in a direction generally perpendicular to the axis of the member, as in claim 18, as well as spring means (130) operatively connected between the housing and the latch means, as in claim 19.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to vehicle door latches:

U.S. Patent Number 5,785,362 to Nadherny, U.S. Patent Number 4,948,184 to Weyerstall et al., U.S. Patent Number 3,058,766 to Chanaryn et al., U.S. Patent Number 3,012,804 to Jeavons, U.S. Patent Number 2,864,636 to Pickles, U.S. Patent Number 1,544,960 to Watts, U.S. Patent Number 1,489,965 to Prentice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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May 12, 2005